

Special Civil Application No 2034 of 95

Date of decision: 15/12/95

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

KANTILAL H PATEL

vs

STATE OF GUJARAT & ANR

Appearance: MR RJ OZA for Petitioner
MR DA BAMBHANIA for Respondent No. 1 & 2.

Coram : MR.JUSTICE C.K.THAKKER

ORAL JUDGEMENT

Rule. Mr.Bambhania, learned Additional Government Pleader appears and waives service of rule on behalf of the respondents. In the facts and circumstances of the case, this matter is taken up for final hearing to day.

This petition is filed by the petitioner for a declaration that the inquiry initiated against the petitioner in pursuance of the charge-sheet dt.. January 27, 1992 is illegal, arbitrary,

unreasonable and suffers from the vice of malafide and is null and void. A prayer is made to quash and set aside the inquiry as also charge-sheet. In my opinion, when inquiry is pending no prayer for quashing inquiry can be made. But prima facie, submission of Mr. Oza, learned counsel for the petitioner is well founded that the allegations relate to the period between 1984 to 1986. The charge-sheet was issued to the petitioner as early as in January 1992. He, therefore, prays that if the court is not inclined to quash and set aside the inquiry proceedings, direction may be issued to the respondent authorities to expedite the inquiry and to complete it within a reasonable period.

Pursuant to the notice issued by this court, the respondent appeared. Mr. Bambhania states that the Inquiry Officer is already appointed and the inquiry will be completed as early as possible. He prays that the court may grant reasonable time of about four months so as to enable the authorities to finalise the inquiry. In my opinion, the request is reasonable. In the facts and circumstances of the case, it is directed that the respondent authorities will expedite the inquiry and finalise as expeditiously as possible but before April 30, 1996. Rule is made absolute to the above extent with no order as to costs.
